



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 1, 2024

Via ECF

Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *New York Times, et al., v. Federal Aviation Administration*, 24 Civ. 4226 (LJL)

Dear Judge Liman:

This Office represents the Federal Aviation Administration (the “FAA” or the “government”) in this action brought by plaintiffs The New York Times and Mark Walker (“plaintiffs”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. We write jointly with plaintiffs to provide a status report, as required by the Court’s September 30, 2024 Order, ECF No. 19.

The four FOIA requests at issue here broadly concern Boeing airplanes. *See* Compl., Dkt. No. 1, ¶¶ 13-18. As we noted in our last status letter, the parties previously agreed that the government’s response to one request has been satisfied through publicly available information that the government identified to plaintiffs. In addition, since the last status letter, the government has also completed processing of the records it gathered for the requests seeking “conformity inspection reports.” *See* Compl. Exs. C & F. The government made its productions yesterday and earlier today.

The final request (*see* Compl. Ex. E) seeks material submitted by Boeing related to 737 Max 9 jet door plugs. The government previously gathered a set of 30 records and provided them to Boeing to review for potential exemption 4 material, and Boeing provided its response (including proposed redactions) on September 25. After reviewing Boeing’s response, the FAA has raised certain questions with Boeing about the appropriate scope of exemption 4 assertions. The government expects that by November 15, it will complete these discussions, finalize any redactions to the documents, and make a production to plaintiffs. Plaintiffs consent to this schedule, which is two weeks later than previously expected.

Under the Court's September 30 Order, the parties' next joint status report is due by Friday, December 6.

We thank the Court for its attention to this matter.

Respectfully submitted,

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